

tion as may seem expedient and the court shall provide for the levy of an annual tax upon all property within the County to provide for interest and sinking fund; provided that the aggregate amount of said Bonds herein authorized shall not exceed the limitations provided by the Constitution of Texas; and provided further that it shall not be necessary to submit the issuance of said funding or refunding Bonds to a vote of the property tax payers of said county. If the validity of the indebtedness to be funded by any bonds authorized to be issued under this section is not questioned in a suit or proceeding begun within sixty days from the adoption of the order of said commissioners' court authorizing the issuance of said bonds, the validity of such indebtedness shall not thereafter be questioned and such indebtedness shall be conclusively presumed to be valid in any suit, action or proceeding.

Section 4. The fact that Lamb County has a large amount of valid road and bridge warrants outstanding which can probably be refunded by the issuance of Bonds at a lower rate of interest with a more convenient schedule of maturity, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

TENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 21, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hyer.
Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Westbrook.
Small.	Williamson.
Stevenson.	Wirtz.
Thomason.	Woodward.

Absent—Excused.

Martin.	Witt.
Parr.	Woodul.

Prayer by the Rev. Lawrence H. Wharton.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodul:

S. B. No. 255, A bill to be entitled "An Act to authorize the issuance of serial obligations of the State of Texas to provide further funds for the construction of the highway system of the State of Texas and to reimburse outlays made by counties and defined road districts therefor, and providing for the pledging of certain revenues for the further security thereof, and declaring when and in what event this Act shall take effect"

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Witt:

S. B. No. 256, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, description of

the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keeps a card index file of all automobiles, busses, and trucks, licensed and owned on January 1st of each year, showing owner of auto, owner's address, State Highway license number, make and year model of auto, all of said information for the facilitation of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same; the commissioner's court shall allow said assessor who compiles and uses such records extra compensation, not exceeding twelve hundred dollars annually, beginning with the fiscal year 1929, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 257, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas application thereon."

Read first time and referred to Committee on Public Lands and Land Office.

By Senators Love, Woodul, and Holbrook:

S. B. No. 258, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas heroes and providing for monuments for such heroes, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Berkeley:

S. B. No. 259, A bill to be entitled "An Act to amend Article 7283 and Article 1065 of the compiled Statutes 1925, and Section 1, Chapter 70, of the First Called Session of the Fortieth Legislature and providing for the redemption within two years of the lands sold under decree of court for the taxes levied by the State, or by any incorporated city or town, or by any district organized under the laws of the State of Texas with the authority to levy and collect taxes, and providing the terms, conditions and penalties, incidental thereto and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 260, A bill to be entitled "An Act to provide means to facilitate the sequestration of personal property and authorizing the courts, by proper order made, to assist in the location of property sought by sequestration; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 261, A bill to be entitled "An Act providing for the replevy by the defendants of personal property seized under sequestration, fixing the conditions of the replevy bond; providing for the discharge of the sureties; and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 262, A bill to be entitled "An Act making it the duty of all persons, firms or corporations engaged in the business of selling dynamite to keep books showing the disposition of said dynamite, the person to whom it is sold, his correct address, the amount sold, the date of the sale, and requiring that the books be kept open to inspection by any officer charged with the duty of enforcing the criminal laws of this State, and fixing the penalty for the violation of the provisions of this Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 263. A bill to be entitled "An Act creating the State Labor and Industrial Commission of Texas to take over and be vested with the powers, duties, privileges, rights and functions of the Industrial Accident Board and the Industrial Commission of Texas and thus consolidating said Departments into one Commission; abolishing the office of Commissioner of Labor Statistics and vesting his powers, duties, privileges, rights and functions in the labor member of the said State Labor and Industrial Commission of Texas, subject to his decisions and acts being appealed to the entire membership of said Board; abolishing said Industrial Accident Board and said Industrial Commission, prescribing the qualifications of said Commission created in this Act, fixing the salaries of the members of said Commission creating the position of Secretary of said Commission and abolishing the position of Secretary of the Industrial Accident Board; fixing the term and salary of said Secretary; providing all things necessary and incidental to the main subject and purpose of this Act, whether mentioned in this caption or not; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 264. A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love:

S. B. No. 265. A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure so as to allow the Prosecuting Attorney and the jury to comment on the failure of defendant to testify; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Parrish:

S. B. No. 266. A bill to be entitled "An Act creating a more efficient

road system for Dickens County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the County and partly by the State or Federal government; authorizing the Commissioners' Court of Dickens County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Love:

S. B. No. 267. A bill to be entitled "An Act to provide for increasing the penalty to be assessed against persons upon their second conviction of a felony, and repealing Article 62 and 63 of the Penal Code, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Communication from Hon. W. P. Hobby.

The Chair laid before the Senate the following communication from former Governor W. P. Hobby:

Houston, Texas,
January 19, 1929.

Hon. Barry Miller, President of the Senate.

My Dear Friend:

May I ask you to convey to the

members of the Senate my deep appreciation of their thoughtfulness and sympathy at the time of my sorrow.

Not only the act but the beautiful form of your tribute to my dear wife will always be a solace and a comfort to me.

Sincerely yours,
W. P. HOBBY.

Senators Excused.

On motion of Senator Hornsby, Senator Martin was excused for the day on account of important business.

On motion of Senator Miller, Senator Woodul was excused for today, tomorrow, and Wednesday on account of important business.

On motion of Senator Miller, Senator Witt was excused for the day on account of important business.

On motion of Senator McFarlane, Senator Parr was excused for the day on account of important business.

Investigating Committee Appointed.

The Chair announced the appointment of the following committee to investigate the buying of textbooks as provided by Simple Resolution No. 37:

MARTIN,
SMALL,
WIRTZ.

Senate Bill, No. 71.

The Chair laid before the Senate as special order the following bill:

By Senator Neal:

S. B. No. 71, A bill to be entitled "An Act to amend Article 2883, and Article 2889-A, R. S., 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith and declaring an emergency."

On motion of Senator Neal, the bill was made a special order for Tuesday morning.

S. C. R. No. 4.

Senator Moore called up from the table the following resolution:

S. C. R. No. 4, providing for the investigation of the General Land Office of the State of Texas.

Senator Berkeley called up from the table his substitute resolution, providing for a joint meeting of the

Senate Committee on Public Lands and Land Office and the House Committee on Public Lands and Buildings, for the purpose of securing information from the Commissioner of the General Land Office.

Senator Pollard moved to table the substitute. The motion prevailed by the following vote.

Yeas—18.

Cunningham.	Moore.
DeBerry.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Hornsby.	Russek.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.

Nays—8.

Beck.	Neal.
Berkeley.	Small.
Gainer.	Stevenson.
Holbrook.	Woodward.

Absent—Excused.

Martin.	Witt.
Parr.	Woodul.

Senator Hyer sent up the following amendment:

To amend S. C. R. No. 4, by adding:

"As the nature of this investigation will necessarily involve the office of Governor and Attorney General, the same shall include these departments in so far as their relations with the Land Office are concerned."

Senator Holbrook moved to table the resolution. The motion was lost by the following vote:

Yeas—9.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Stevenson.
Gainer.	Woodward.
Holbrook.	

Nays—17.

DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	

Absent—Excused.

Martin. Witt.
Parr. Woodul.

Senator Hyer's amendment was adopted.

Senator Woodward sent up the following amendment:

Amend the resolution by adding thereto the following:

"And said Committee shall also have power to make such investigation of the Board of Regents of the University of Texas as relates to the matters mentioned in the resolution."

WOODWARD.

The amendment was read and adopted.

Senator Stevenson sent up the following amendment:

Amend S. C. R. No. 4, by striking out all of the paragraph after the fifth "whereas" and by striking out all of Section 1 after the words "whose duty shall be" and by adding the following: "To investigate the subject of the sale of public lands for the primary purpose of determining whether any change should be made in the law pertaining thereto."

STEVENSON.

On motion of Senator Pollard, the previous question on the amendment and the resolution was ordered.

The amendment was lost by the following vote:

Yeas—6.

Berkeley. Holbrook.
Cunningham. Neal.
Gainer. Stevenson.

Nays—19.

Beck. Parrish.
DeBerry. Patton.
Greer. Pollard.
Hardin. Russek.
Hornsby. Small.
Hyer. Thomason.
Love. Westbrook.
McFarlane. Williamson.
Miller. Wirtz.
Moore.

Absent.

Woodward.

Absent—Excused.

Martin. Witt.
Parr. Woodul.

The resolution as amended was adopted by the following vote:

Yeas—18.

DeBerry. Parrish.
Greer. Patton.
Hardin. Pollard.
Hornsby. Russek.
Hyer. Small.
Love. Thomason.
McFarlane. Westbrook.
Miller. Williamson.
Moore. Wirtz.

Nays—7.

Beck. Holbrook.
Berkeley. Neal.
Cunningham. Stevenson.
Gainer.

Absent.

Woodward.

Absent—Excused.

Martin. Witt.
Parr. Woodul.

Executive Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the executive session to consider nominations by the Governor had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the following appointments had been confirmed:

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be members of the Board of Directors of the Agricultural and Mechanical College of Texas:

F. M. Law, Byrd E. White, Walter Lacy.

To be member of Texas Prison Board, Dr. A. C. Scott, of Bell County.

To be members of the Pink Bollworm Commission: W. D. Farris, I. C. Enochs, Sydney D. Smith, R. O.

Von Roeder, W. K. Crawley, W. W. Porter, John H. Boogher, D. S. Beeman.

WILLIAMSON, Chairman.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Jan. 21, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

S. C. R. No. 9, inviting the Hon. Murray Hulbert to address a joint session of the House and Senate at eleven o'clock a. m. Tuesday, January 29, 1929.

Respectfully submitted,

LOUISE SNOW, PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 21, 1929.

I am directed by the House to inform the Senate that the House has failed to pass the following resolution:

S. C. R. No. 7, Relating to the Penitentiary Committees of the House and Senate making an inspection trip.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas Jan 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 23, A bill to be entitled "An Act to create Hidalgo County Water Improvement District No. 5, in Hidalgo County, Texas, into a water control and improvement district, without changing the name of said district; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Recess.

On motion of Senator Hyer, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order by the Lieutenant Governor at 2:00 o'clock p. m., pursuant to recess.

House Bill Read and Referred.

H. B. No. 23, was read and referred to the Committee on Mining, Irrigation, and Drainage.

Senate Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hyer:

S. B. No. 13, A bill to be entitled "An Act to amend Section 1 of Article 326g, Chapter 74, Title 15, revised Civil Statutes of 1927, providing for increase of salaries of one assistant district attorney and one stenographer in certain counties, and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 28.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 28, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas; reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; creating the One Hundred and Ninth (109) Judicial District of Texas, designating the counties constituting

said district; fixing the term for holding court in the several counties therein; providing for the appointment of a judge and a district attorney for said One Hundred and Ninth (109) Judicial District; providing that the present judge of the Fifty-first (51) Judicial District and the present judge of the Thirty-fifth (35) Judicial District shall continue to hold office during the term for which they were elected and until their successors are duly elected and qualified; giving to the judges of the Fifty-first (51) Judicial District and the One Hundred and Ninth (109) Judicial District the power and authority to transfer cases from one court to the other; authorizing the commissioners' court of Tom Green County, Texas, to provide suitable court rooms and offices necessary to the holding of court in Tom Green County for the Fifty-first (51) and One Hundred and Ninth (109) Judicial District Court; providing that the district clerk of Tom Green County, Texas, shall be clerk of the newly created One Hundred and Ninth Judicial District of Texas in Tom Green County, Texas, in both the Fifty-first and One Hundred and Ninth Judicial Districts of Texas; validating all process, writs, bonds and recognizances of every kind or character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this Act; describing the respective duties of the district attorneys for the Fifty-first and One Hundred and Ninth Judicial Districts of Texas respectively in Tom Green County, Texas; fixing their compensation; providing that if any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions; and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 29.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 29, A bill to be entitled "An Act to amend Article 4655 of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto the following, to-wit: 'pro-

vided, however, that when any writ of injunction is accompanied with a true and correct copy of plaintiff's petition, it shall not be necessary for the citation in the original suit to be accompanied with a copy of plaintiff's petition nor contain any statement of the nature of plaintiff's demand; but it shall be sufficient for said citation to refer to plaintiff's cause of action as set forth in a true and correct copy of plaintiff's petition which accompanies the writ of injunction.' and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 30.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 30, A bill to be entitled "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925, as amended by the Act of the Fortieth Legislature of the State of Texas in Chapter 81 of the Session Laws thereof, so as to eliminate that portion of said article reading as follows, to-wit: 'provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient service of citation without posting said notices,' and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 40.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 40, A bill to be entitled "An Act to amend Subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners' court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000,-

000.00 assessed valuation, or more, and which have established therein institutions for the care of dependent and delinquent boys and girls, the county judge shall receive the further sum of \$3,000.00 per annum which shall be ex officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill, and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 57.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 57, A bill to be entitled "An Act to provide for increasing the territorial limits of any city of more than five thousand inhabitants which has adopted a charter under some Rule Amendment, Article 11, Section 5, of the Constitution; providing for annexation of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed; and providing for the adjustment upon a just and equitable basis of the bonded indebtedness against the territory annexed, has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions of the General Laws or the Constitution, and carrying at the time each such adjacent territory is annexed to said city, bonded indebtedness or flat rates due, to the irrigation district, water improvement district or water control and improvement district, and repealing all laws, general or special, in conflict herewith, and declaring an emergency."

On motion of Senator Greer, the bill was laid on the table subject to call.

Senate Bill No. 78.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 78, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, so as to permit in counties having a population of not less than 1100 nor more than 1400, according to the United States census for the year 1920, the removal, by a major-

ity vote, of the county seat from any point in the county located more than five miles from the geographical center of the county to another point more than five miles from said geographical center of the county; enacting the necessary provisions in amending said articles necessary and incidental to said subject and purpose; and declaring an emergency"

On motion of Senator Hornsby, further consideration of this bill was indefinitely postponed.

Senate Bill No. 90.

Senator Holbrook called up from the table the following bill:

S. B. No. 90, A bill to be entitled "An Act authorizing certain incorporated cities to acquire and maintain recreational parks and playgrounds outside of the city limits; limiting the amounts of land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public providing for the closing of roads running through any such grounds or parks; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

Simple Resolution No. 40.

Senator McFarlane sent up the following resolution:

Whereas, a majority of the Committee on State Penitentiary of the Senate has never had the opportunity of personally inspecting the Penitentiary System, and

Whereas, the correct solution of the Penitentiary System is one of the urgent propositions now pending before this session, and

Whereas, said Committee is desirous of making an inspection of the entire Penitentiary System,

Therefore, Be It Resolved by the Senate of Texas that said Committee be and is hereby authorized to make an inspection trip of the Penitentiary System at the earliest possible time, and that the necessary expense be paid out of the contingent fund of the Forty-first Legislature, and the Governor and Lieutenant Governor of the State are cordially invited to attend said inspection trip.

The resolution was read and adopted.

Senate Bill No. 91.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 91, A bill to be entitled "An Act making better provision for

public parks and playgrounds for incorporated cities and towns and counties; making provision for same when such city or town may own playgrounds or park land outside its limits; providing for such city or town acquiring county owned land for such purpose; providing for co-operation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 91 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

The bill was read third time and passed finally by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.
Neal.
Parr.

Witt.
Woodul.

Senate Bill No. 106.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 106, A bill to be entitled "An Act to amend Article 1898 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 115.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 115, A bill to be entitled "An Act to exempt from taxation all obligations and pledges of the University of Texas."

The bill was read second time and passed to engrossment.

Senate Bill No. 139.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 139, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other person violating any of the provisions of the Act; defining certain terms used in the Act and identifying the measure as the Old Age Relief Act of the State of Texas."

The bill was read second time and passed to engrossment.

Senate Bill No. 206.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 206, A bill to be entitled "An Act creating a more efficient road system for Lamb County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Lamb County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

The Committee report carrying a substitute bill was adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 206 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

Senate Bill No. 230.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 230, A bill to be entitled "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet County, by adding thereto Section 2a, authorizing the commissioners' court of Burnet County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 230 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Witt.
Neal.	Woodul.
Parr.	

S. C. R. No. 10.

Senator McFarlane sent up the following resolution:

Whereas, it has been called to the attention of the Legislature that the Texas Prison Commission is anxious, ready and willing to appear before a joint session of the Legislature and report the progress made in the Prison System during the past two years and make their recommendations to this Legislature as to what should be done, if anything, with the Prison System.

Therefore, Be It Resolved by the Senate of the State of Texas, the House of Representatives concur-

ring, that the Prison Commission be invited to address a joint session of the Senate and House Committee on Penitentiary, as well as the public at large on Friday afternoon at 2 p. m., January 25th, and that the said Prison Commissioners be invited accordingly.

The resolution was read and adopted.

S. J. R. No. 16.

Senator Parrish sent up the following resolution:

Relating to the amendment of Article 16, Section 44 of the Constitution of the State of Texas, abolishing the office of county treasurer.

The resolution was read first time and referred to Committee on Constitutional Amendments.

Adjournment.

On motion of Senator Russek, the Senate, at 2:40 o'clock p. m., adjourned until 10:00 o'clock Tuesday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 8 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 62 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 73 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 105 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Judicial Districts, to whom was referred S. B. No. 164, A bill to be entitled "An Act providing for the office of district judge in Webb County, Texas, and to give such court concurrent jurisdiction with the district court of the Forty-ninth Judicial District of Texas, in all civil and criminal cases; and declaring an emergency."

Have had same under consideration and beg leave to report back to the Senate that it do pass.

PATTON, Chairman.

Committee Room,
Austin, Texas, Jan. 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 175, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,
Austin, Texas, Jan. 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 32, A bill to be entitled "An Act to amend Article 1020 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that in cases where an ex-

amining trial is held charging the offense of murder, rape, burglary, burglary of a private residence, theft of property of the value of Fifty (\$50.00) Dollars or over, or robbery, and the defendant is thereafter indicted by the grand jury, the examining trial fees of the sheriff shall be the same as provided by Articles 1029 and 1030 of the Code of Criminal Procedure for executing process and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 33, A bill to be entitled, "An Act providing that when a person is convicted of a felony and the punishment is only a fine or a jail sentence or both, that the judgment may be satisfied in the same manner as a conviction for a misdemeanor is by law satisfied, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 87, A bill to be entitled, "An Act amending Article 1177 of Chapter 7, Title 15, of the Penal Code, of the State of Texas revision of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 148, A bill to be entitled, "An Act, providing that a prosecution for the unlawful sale or delivery of intoxicating liquor may be had either in the county wherein the sale or delivery is made, or in any county through or into which the intoxicating liquor is carried; providing that in all such cases the indictment or any proceeding in the case may allege that the offense was committed in the county where the prosecution is carried on; and providing for the manner of proving venue; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 137 A bill to be entitled, "An Act to prevent any person from receiving, possessing owning or having under his control or management in this State any bomb, machine-gun, infernal machine designed to destroy human life or cause bodily injury, or any machine or instrumentality containing explosives designed to destroy human life or cause bodily injury and which is not reasonably designed or suitable for any useful purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 65, A bill to be entitled, "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, relating to the fees of the County Attorney in any County having a population in excess of one hundred thousand inhabitants where there is no District Attorney, so as to include any county having less than one hundred thousand inhabitants but

containing a city with a population in excess of forty-four thousand inhabitants where there is no District Attorney, providing a maximum compensation payable to him out of the fees collected by such County Attorney, authorizing reimbursement out of fees collected for certain expenses and authorizing the employment by such County Attorney of Assistants, investigators and stenographers, fixing their salaries and providing a method of payment thereof and providing that such County Attorney may collect fees for services rendered in corporation courts and specifying such fees and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 51, A bill to be entitled, "An Act making it unlawful for the fraudulent taking of any chicken, turkey, duck, goose, guinea or other domestic fowl, making such offense a felony, prescribing punishment therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 39, A bill to be entitled, "An Act to amend Article 951, Title 12, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to not allow a justice of the peace any commissions on fines, thereby further relieving him of any interest in a misdemeanor case, and declaring an emergency."

Have had the same under consider-

ation, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room.

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 38, A bill to be entitled "An Act to repeal Articles 1066 and 1071, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, allowing fees to Justices of the Peace in misdemeanor cases, so that such justices will no longer have a pecuniary interest in the conviction of an accused person, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925 so as to provide also a trial fee in Justice Courts in misdemeanor cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 34, A bill to be entitled "An Act to amend Article 1557 of Chapter 17, Title 17 of the Penal Code of the State of Texas of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to amend Article 534, Title 10, Chapter 7, of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendment herewith attached.

MILLER, Chairman.

Committee Amendment.

Amend Senate Bill No. 35 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. That Article 534, Title 10, Chapter 7 of the Penal Code of the State of Texas, Revision of 1925, be amended to read as follows:

Art. 534. Contributing to Delinquency.—In any case where any child shall be a "delinquent child" or a "neglected" or "dependent child," as defined in the Statutes of this State, or when any person is an habitual drunkard or an addict to cocaine, morphine or other narcotic, the parent, guardian or person having the custody of, or any person responsible for such child, habitual drunkard or narcotic addict, or any person or persons, who by any act encourages, causes or contributes to the delinquency or neglect of such child, habitual drunkard or narcotic addict, or when any person who shall in any manner encourage or contribute to the delinquency of any minor, under the age of seventeen years, or habitual drunkard or narcotic addict, he shall be fined not exceeding five hundred dollars, or be imprisoned in jail not to exceed two years. By the term "delinquency" as used herein, is meant: furnishing such child, minor, habitual drunkard or narcotic addict, with intoxicating liquor to drink, or the taking of such minor, habitual drunkard or narcotic addict, into

any house or place where prostitutes or lewd women are permitted to resort or reside, or knowingly permitting such minor, or habitual drunkard or narcotic addict, to remain, in any such house, or at any place where the forming of the habit of using any harmful or injurious drug is likely to be formed, or any act which tends to debase or injure the morals, health or welfare of such child, minor, habitual drunkard or narcotic addict, or who by undue influence, exercises such control over such child, minor, habitual drunkard or narcotic addict, so as to induce such minor, habitual drunkard or narcotic addict to commit any act injurious to his or her morals, health or personal welfare, or for any person to unlawfully cohabit with any person known to them to be an habitual drunkard or narcotic addict.

Committee Room,

Austin, Texas, Jan. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 36, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide fees for the courts in misdemeanor cases, and to relieve the courts of any interest in the result of the trial and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendment herewith attached.

MILLER, Chairman.

Committee Amendment.

Amend Senate Bill No. 36 by inserting at the end of Section 1 the following:

"Provided the commissioners' court shall not pay any account or trial fees in any case tried and in which an acquittal is had unless the State of Texas was represented in the trial of said cause by the county attorney, or his assistant, and the certificate of said attorney is attached to said account certifying to the fact that said cause was tried, and the State of Texas was repre-

sented, and that in his judgment there was sufficient evidence in said cause to demand a trial of same."

Committee Room,
Austin, Texas, Jan. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 264, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 22, 1929.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 268, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in such county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 269, A bill to be entitled "An Act creating a State Bureau of Criminal Identification and Investigation; providing for its organization, and defining its powers and duties."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 28 of the local and special laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress County, by adding thereto Section 2a, authorizing the commissioners' court of Childress County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then much indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small:

S. B. No. 271, A bill to be entitled "An Act to give any person, association or corporation in the actual